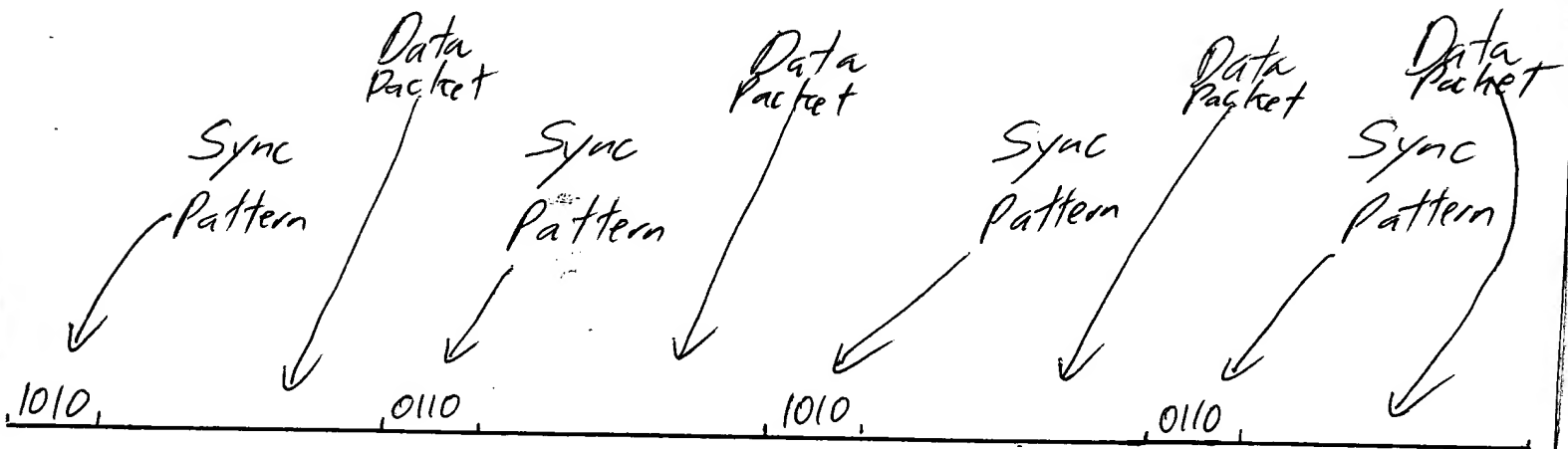


**Remarks/Arguments:**

Claims 1, 2 and 12-16 have been rejected under 35 U.S.C. §102(b) as being anticipated by Johnson et al. (US 5,289,476). It is respectfully submitted, however, that these claims are patentable over Johnson for the reasons set forth below.

The present invention relates to a method and apparatus for transmitting data packets. An exemplary transmission of a data stream is illustrated below:



As shown, in an exemplary data stream, consecutive data packets are each preceded by respectively different sync patterns. For example, in the illustration shown, a first sync pattern 1010 precedes one data packet while a different sync pattern 0110 precedes a consecutive data packet.

This exemplary illustration corresponds, for example, to the following language which appears in Applicants' claim 1:

... generating sync patterns comprising 'q' words ... each of the sync patterns formed by combining the fixed pattern in one of the variable patterns ...

... adding one of said sync patterns to each of said data packets in a data stream, wherein consecutive ones of said data packets each have added respectively different variable patterns.

This is very different than Johnson. Johnson discloses the use of sync patterns which are used for BPSK or QPSK transmissions. For each BPSK transmission, however, the sync pattern will be the same. Similarly, for each QPSK transmission the sync pattern will be the same. Even if Johnson were evaluated from the perspective of shifting transmission format from BPSK to QPSK, Applicants claims would not be read on Johnson as such a shift would not constitute "a data stream" as recited in Applicants' claim 1. Accordingly, claim 1 is patentable over the art of record.

Claim 14, while not identical to claim 1, is also patentable over the art of record for reasons similar to those set forth above with regard to claim 1. Claims 2, 12, 13, 15 and 16, are patentable by virtue of their dependency on allowable independent claims.

Claims 3-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson. These claims, however, are patentable by virtue of their dependency on an allowable independent claim.

Claims 8-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Lawrence (US 6,208,666). These claims, however, are also patentable by virtue of their dependency on an allowable independent claim.

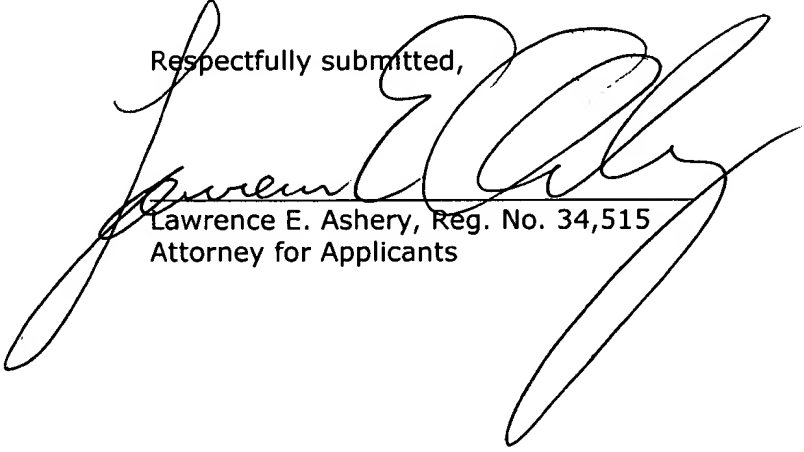
Appln. No.: 09/646,665  
Amendment Dated: August 9, 2005  
Reply to Office Action of: March 9, 2005

MAT-8014US

Claim 7 was previously indicated as including allowable subject matter.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

  
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Attorney for Applicants

LEA/mjc

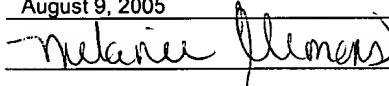
Dated: August 9, 2005

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

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August 9, 2005

  
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